REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	19 March 2004
Name of applicant/court:	New Zealand Customs Service
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Picture 3726.jpg
Other Known Title(s):	Not Stated
Director(s):	Not Applicable
Producer(s):	Not Applicable
Publisher:	Not Applicable
Author(s):	Not Applicable
Format:	Computer Image File
Country of Origin:	Not Stated
Language(s):	Not Applicable

● ●

Components of film originally examined: Not Applicable.

Feature:	Running Time:
Trailers:	Running Time:
	Total Running Time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

… Please turn over

Classification Decision:

Objectionable.

Display Conditions:

Not Applicable.

Descriptive Note:

Not Applicable.

● ●

Direction to issue a label has been given on: Not Applicable.

● ●

SUMMARY OF THE REASONS FOR DECISION:

The computer image file entitled *Picture 3726.jpg* is classified as:
Objectionable.

This classification is because the publication promotes and supports the exploitation of children for sexual purposes.

The publication is a printout of a computer image file containing a colour photograph, printed on A4-sized paper. The computer image file explicitly depicts a young teenage girl posed in a sexualised manner that reveals and emphasises her genital nudity and her breasts. The girl's youth is emphasised by her hairstyle and by the logo printed at the bottom of the image. A sexual reading of the image is encouraged by the medium in which it is presented, and the likely purpose for which it is intended to be used (the sexual gratification of persons with a prurient interest in young girls).

The Classification Office has considered the effects of the New Zealand Bill of Rights Act 1990 on the application of the classification. The classification of this publication interferes with the freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) of the Films, Videos, and Publications Classification Act 1993 are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of "a free and democratic society" to limit the availability of publications that promote and support the exploitation of young persons for sexual purposes.

OFLC No: 400093